

**CONSERVATION COMMISSION/INLAND WETLANDS
AND WATERCOURSES AGENCY
JANUARY 6, 2015
MOTIONS FROM REGULAR MEETING**

PUBLIC HEARING(s)

Commissioner Rieger made a motion to open the Public Hearing.

Commissioner Morrison seconded the motion and it was passed unanimously.

1. Application #14-38 of Greg Maglieri Development, LLC, Agent for Timothy E. and Elinor E. Ellsworth, Owners, for the regulated activities associated with a pending 4-lot re-subdivision on the property located at East Weatogue Street (Map H11, Block 106, Lot 037). Zones R-40 and R-80. *(continued from 11/18/2014 and 12/2/2014; public hearing must conclude by 1/6/2015)*

Commissioner Cunningham made a motion to close the Public Hearing.

Commissioner Purciello seconded the motion and it was passed unanimously.

Commissioner Rieger made a motion that the Commission find this is a regulated activity in that it involves direct impact on the wetlands and various construction activities in the Upland Review Area.

Commissioner Morrison seconded the motion and it was passed unanimously.

Commissioner Rieger made a motion the Commission find this is not a significant activity in that the direct impact is limited and that other impacts are avoided as indicated by various techniques, including collaborative stormwater management practices and best practices in general.

Commissioner Morrison seconded the motion and it was passed unanimously.

Commissioner Rieger made a motion that the Commission grant the permit subject to the conditions:

- 1) *that any construction activity or material disturbance of the soil not be commenced until Town Staff has determined that seasonal weather conditions are conducive to the avoidance of erosion;*
- 2) *that the Applicant coordinate closely with Town Staff to assure that proper sedimentation and erosion protections be in place during each phase of construction, including, without*

limitation, to assure the protection of the rain gardens and other storm water features;

- 3) *that all issues raised in the Town Engineer's 1/5/2015 memorandum be resolved to the satisfaction of the Town Engineer;*
- 4) *that the site plan for the property labeled 5 Talcott Estates contain a notation that the site's wetlands and areas within 100 feet of the wetlands are Regulated Areas for purposes of the Inland Wetlands and Watercourses Regulations and that Regulated Activities, including those which are "uses incidental to the enjoyment or maintenance of residential property" may not be practiced in those areas without a permit or a regulatory exception, and that each deed conveying such property be required to include such language;*
- 5) *that the Town of Simsbury be the grantee of a conservation easement, in form and substance satisfactory to the Town Staff and the Conservation Commission, protecting and requiring the maintenance of each of the storm water features and the 10-foot filter strip along the edge of the wetlands and that the existence of such easement be noted upon the site plan and referenced in each deed conveying a subdivision parcel; and should the storm water easement not be accepted by the Board of Selectmen, a new conversation would be required by the Applicant with the Conservation Commission;*
- 6) *that the Applicant acknowledge and advise the Home Owners Association or such other entity as may have responsibility for maintaining the private road that it will be required to seek a permit if it should wish to deposit sand, road salt, or other material in the Regulated Area unless a regulatory exception is found to be applicable; and*
- 7) *that there be no increase in the direct wetland effect or other material change in the disclosures presented to the Commission in connection with the Application.*

Commissioner Morrison seconded the motion and it was passed unanimously.

Commissioner Rieger made a motion to move up for discussion Item IV. 1. regarding Erosion and Sediment Control Plan.

Commissioner Purciello seconded the motion and it was passed unanimously.

IV. DISCUSSION AND POSSIBLE ACTION

1. Request of Maglieri Development, LLC, pursuant to Section 128-5(C), for review of modified Erosion and Sediment Control Plan

Commissioner Spaulding made a motion to approve the modified Erosion and Sediment Control Plan.

Commissioner Cunningham seconded the motion and it was passed unanimously.

PUBLIC HEARING(s)

Commissioner Sexton made a motion to reopen the Public Hearing.

Commissioner Morrison seconded the motion and it was passed unanimously.

2. Application #14-42 of John M. McCarthy, Agent; Chestnut Hill Associates of Simsbury, LLC, Owner; for a Wetlands Map Amendment to a wetland on and abutting the property located at 690 Hopmeadow Street (Assessor's Map G11, Block 132, Lot 053). Zones SC-1 and SC-2. (received 12.9/2014; public hearing must conclude by 2/12/2015)

Commissioner Cunningham made a motion to close the Public Hearing.

Commissioner Sexton seconded the motion and it was passed unanimously.

Commissioner Sexton made a motion to accept the map amendment as proposed by the Applicant.

Commissioner Purciello seconded the motion and it was passed unanimously.

DISCUSSION AND POSSIBLE ACTION

2. Appointment of Rachel Blatt as authorized agent of the Commission

Commissioner Cunningham made a motion to appoint Rachel Blatt as the authorized agent of the Commission.

Commissioner Sexton seconded the motion and it was passed unanimously.

3. Potential change in bylaws to accommodate filling Officer vacancies.

Commissioner Sexton made a motion to add to Section II. B. of the Bylaws the following language: "... or such other meeting and for such shorter term as the Commission may choose in order to fill a vacancy."

Commissioner Morrison seconded the motion and it was passed unanimously.

APPROVAL OF MINUTES of the 12/2/2014 regular and 12/9/2014 special meetings

For the 12/2/2014 Regular Meeting Minutes:

On Line 12, the name "Kottas" is corrected to "Purciello".

On Line 14, the language is revised to read, "There were no other nominations and the vote was unanimous."

Commissioner Sexton made a motion to accept the 12/2/1014 Regular Meeting Minutes, as amended.

Commissioner Morrison seconded the motion and it was passed unanimously.

For the 12/9/2014 Special Meeting Minutes:

Commissioner Rieger made a motion to accept the 12/9/2014 Special Meeting Minutes, as written.

Commissioner Sexton seconded the motion and it was passed unanimously.

ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the meeting at 9:35 p.m.

Commissioner Spaulding seconded the motion, and it was passed unanimously.